

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM BROWN,
Petitioner,

v.

ROBERT BURTON,
Respondent.


Case No. [19-cv-03803-JST](#)

**ORDER ADMINISTRATIVELY
CLOSING CASE**

Petitioner, a state prisoner, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 2014 conviction in Santa Cruz County Superior Court Case No. F24663. In 2017, Petitioner filed a habeas petition in federal court challenging this same conviction, which is still pending. *See Brown v. Siebel*, Case No. 3:17-cv-04827-JST (PR). When a *pro se* petitioner files a new petition in the district court while an earlier-filed petition is still pending, the district court must construe the new petition as a motion to amend the pending petition rather than as an unauthorized second or successive petition. *Woods v. Carey*, 525 F.3d 886, 887–90 (9th Cir. 2008). The instant action, case number 3:19-cv-03803-JST (PR), is therefore administratively CLOSED. Because this case was opened in error, the Clerk of the Court shall not charge a filing fee. The Clerk of the Court is directed to construe the instant petition (Dkt. No. 1) as a motion for leave to amend and file the instant petition (Dkt. No. 1) in *Brown v. Siebel*, Case No. 3:17-cv-04827-JST (PR). The Clerk of the Court shall also terminate all pending motions in this action and administratively close this action.

IT IS SO ORDERED.

Dated: July 19, 2019



JON S. TIGAR
United States District Judge